

# The Role of Debt in an Insolvency Proceeding

## Abstract

The thesis aim's to analyze the process of claims in a broader sense: from the filing of the claim, through its review by the insolvency court and the insolvency administrator, to (in the most ideal case) the satisfaction of creditors. The thesis deals with the issues of the claims process and the claims themselves. The analysis of the topic is based mainly on the applicable legislation, current case law, the opinions of professionals in professional articles, and a questionnaire survey.

Insolvency law is an essential part of the legal system as it reflects the current economic state of modern society. The topic is topical because the field of insolvency law is constantly being amended, one of the sources of these amendments being changes in social conditions. The legislator aims to make the institution of debt settlement available to a wider range of debtors through amendments to the Insolvency Act and thus reintegrate them into economic life as soon as possible.

The thesis is divided into four chapters. The first chapter deals with the description of individual types of claims and their breakdown. The remaining chapters follow the claims process. The second chapter describes the application of claims, including the form and requirements of a claim application. The third chapter deals with the examination of claims, the subsequent establishment of claims, and, where applicable, the right of rebuttal. The final chapter discusses the satisfaction of creditors' claims, which concludes the entire insolvency process.

The thesis includes a survey to determine the opinions and reactions of respondents from different groups of insolvency proceedings subjects to the changes in the insolvency law sector on the topic of claims. A sub-objective of the research was to find out whether and how the amendments to the insolvency law affect individual actors in insolvency proceedings. The result of the work confirms the assumption that the current trend of legislative changes favors debtors over other subjects of insolvency proceedings, and that the legal system is destabilized by frequent amendments.

**Key words:** Insolvency proceedings, bankruptcy, claim